

# *Town of Horicon*

## ZONING BOARD OF APPEALS

**Minutes of October 24, 2006** - approved 11/28/06

Members Present: Chairperson Priscilla Remington, Harry Balz, Dan Smith, Curt Castner  
Absent: Gail Sirrine and Alternate Jason Hill

Others Present: Counsel to Boards Mark Schachner, Zoning Officer Gary McMeekin, Planning Board Member Jim Remington

Guests Present: Kimberly Bills, Robert Yosco, Jim Miller, James Duffy

### **Public Hearings:**

**File # 2006-43 Tax Map 71.-1-58 Patricia Fish** seeking an area variance to allow daughter and family to occupy the second mobile home situated on parcel located at 78 & 88 Davis Rd. Nancy Smith neighbor stated that the previous variances were abused and if the board grants this variance she would like to see restrictions placed on the dogs. Dan Smith stated he visited the property and the distance between the mobile homes is compatible with the neighborhood. Being no further comments or questions, Harry Balz made a motion to close the public hearing, 2<sup>nd</sup> by Dan Smith. All Ayes.

**File # 2006-42 Tax Map 56.5-1-6 John and Gerry Farrell** seeking a shoreline setback variance to build an addition on home located at 7756 State Rte 8. Jim Miller representing the applicant stated that the addition to the dwelling would total 186 sq. ft., mirroring the existing wing of the camp. James Duffy neighbor asked for the amount of the variance request. Priscilla Remington stated that the applicant is seeking a 40' 6" shoreline setback and a 24' 4" roadway setback variance. Brief discussion ensued regarding the septic system. Jim Miller stated that the existing septic is 15' from the lake and the applicant will be using the existing system as long as that system does not fail. Warren County Planning Board stated no county impact with condition that septic is to be determined to be compatible with the addition. Town of Horicon Planning Board recommended the ZBA grant the variance as the cabin is not getting closer to the lake, qualifying the septic system. Harry Balz made a motion to close the public hearing, 2<sup>nd</sup> by Dan Smith. All Ayes.

**The Regular meeting of the ZBA** was called to order by Chairperson Priscilla Remington. Motion to accept minutes as corrected was made by Harry Balz, 2<sup>nd</sup> by Dan Smith. All Ayes.

### **UNFINISHED BUSINESS:**

**File # 2006-43 Tax Map 71.-1-58 Patricia Fish** seeking an area variance to allow daughter and family to occupy the second mobile home situated on parcel located at 78 & 88 Davis Rd.

Priscilla Remington stated that the Town Planning Board recommended the ZBA deny the variance stating "2<sup>nd</sup> mobile home was to be moved, time to put an end to the variance". Dan Smith stated that he did not see an undesirable change to the character of the neighborhood, the benefits can not be achieved by other means on that property. Curt Castner stated that there were problems with that mobile home in the past. Priscilla Remington stated that there were problems with the previous residents but this applicant has six (6) children. Brief discussion ensued regarding hardship to the applicants. Mark Schachner stated that a variance is about the property not about people and the board can impose time conditions, if reasonable. Harry Balz made a motion to grant the variance as there is no undesirable change to the character of the neighborhood or detriment to nearby properties as the mobile home has existed on this parcel for many years, the benefits sought by the applicant can not be

achieved by other means, the variance is not substantial, the request will not have an adverse effect on the physical or environmental conditions of the neighborhood as it is existing and has maintained its own septic system and well, and the difficulty is not self created with the condition that the variance will be subject to a thirty (30) month time limit, 2<sup>nd</sup> by Curt Castner. All Ayes. Lengthy discussion ensued regarding the tracking of a variance with time limitations. Mark Schachner reiterated that a variance cannot regulate animals or people but relate to the property.

**File # 2006-42 Tax Map 56.5-1-6 John and Gerry Farrell** seeking a shoreline setback variance to build an addition on home located at 7756 State Rte 8. After a brief discussion Dan Smith made a motion to approve the 40' 6" shoreline setback and 24' 4" roadway setback variances as there is no undesirable change to the character of the neighborhood or detriment to nearby properties, the benefits sought by the applicant cannot be achieved by other means using the existing residence and keeping the structure to one(1) story, the variance is substantial but cannot be overcome by any other method, the request will not have an adverse effect on the physical or environmental conditions of the neighborhood, the difficulty was not self created, 2<sup>nd</sup> by Harry Balz. All Ayes.

### **NEW BUSINESS:**

**File # 2006-43 Tax Map 70.-2-11.2 Steven L Smith** seeking an area variance to install a toilet and sink in existing 28' x 44' detached garage with approved septic system on parcel located at 215 Valentine Pond Rd. Colleen Delacore, representing the applicant stated they are seeking two courses of action 1) deem the application complete and 2) reverse the decision of the Zoning Administrator as a permit was denied with no basis as there is nothing in the ordinance that would prohibit this project. Discussion ensued regarding the "past practices" of the prior Zoning Administrators. Ms. Delacore continued stating that this matter is before the Town Board clarifying the definitions of a garage and guest house. Curt Castner and John Goode, previous Zoning Administrators submitted letters stating that they have not issued compliance certificates for detached garages that would have included bathrooms and/or sinks. Curt Castner then spoke as a prior Zoning Administrator stating that he issued zoning compliances for garages to store cars etc., a bathroom would be considered a guest house. Mark Schachner stated that a variance request is before the board and an appeal of the Zoning Administrator's decision has not been made. Harry Balz made a motion to deem the application complete, schedule a public hearing, referring this to the Town Planning Board, 2<sup>nd</sup> by Dan Smith. All Ayes.

**File # 2006-45 Tax Map 70.-2-28 Henry and Betty Heym** seeking an area variance to build a 20' x 40' single family dwelling, replacing existing mobile home, on parcel located at 3585 East Schroom River Rd. Dan Smith asked the applicant about the condition and size of the septic and present water situation. The applicant stated that there is a 1000 gal holding tank, a beehive for the gray water 15' from the road, the water is obtained from the river and the shed houses a pump and hot water heater. Curt Castner asked the applicant if replacing the mobile home would improve the appearance of the property. The applicant stated that the property would improve as the mobile home is unlivable. Harry Balz made a motion to deem the application complete, schedule a public hearing not referring this to the Town Planning Board, 2<sup>nd</sup> by Curt Castner. All Ayes.

There being no further business before the board, Chairperson, Priscilla Remington adjourned the meeting at 9:10 PM

Respectfully Submitted.  
Christine Smith-Hayes, Secretary